

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

ANTHONY E. GOOCH, individually)	
and on behalf of all similarly situated)	
individuals,)	
)	
Plaintiff,)	CLASS ACTION
)	
v.)	Civil Action No: 1:07-0016
)	JUDGE HAYNES
TRANSAMERICA LIFE INSURANCE)	
COMPANY (f/k/a Life Investors)	
Insurance Company of America); and)	
AEGON USA, Inc.,)	
)	
Defendants.)	

**PLAINTIFF'S NOTICE OF FILING OF PLAINTIFF'S
RESPONSE IN OPPOSITION TO THE DEFENDANTS'
MOST RECENT "EMERGENCY" MOTION**

COMES NOW the Plaintiff, Anthony E. Gooch, individually and on behalf of all similarly situated individuals, and hereby files into the record a copy of his opposition filed this date in the Sixth Circuit Court of Appeals to the Defendants' second attempt to obtain an "emergency" stay of this District Court's proceedings.

See Attachment A.

In that pleading, Mr. Gooch notes that the Defendants did not appear and unilaterally attempted to cancel the Arkansas state court hearing set on July 27, 2009. Despite the Defendants' attempts, the state court proceeding did occur and the court was provided with a courtesy copy of the transcript of the proceedings

before this Honorable Court, as well as a copy of this Court's Order. The fairness hearing was not held and the Honorable Circuit Court of Pulaski County, Arkansas did not grant final approval to settlement. The Honorable Judge Moody stated on the record, "But for now, I had intended to comply with Judge Haynes' Order." See Attachment A and Exhibit 3 thereto, Tr. of the July 27, 2009 Proceedings before the Honorable Judge Moody in the Circuit Court of Pulaski County, Arkansas at p. 6, lines 4-15.

Although the undersigned was present at the hearing before the Circuit Court of Pulaski County, lead counsel for the Defendants was not. See Attachment A and Exhibit 2 thereto, Order of the U.S.D.C. for the District of South Carolina in the matter entitled *Belue v. Aegon USA, Inc., et al.* That Order is a result of hearings held in Columbia, South Carolina the same day the fairness hearing was to proceed in the Circuit Court of Pulaski County, Arkansas.

WHEREFORE, PREMISES CONSIDERED, this Honorable Court is provided a courtesy copy of the Plaintiff's Opposition to the Defendants' most recent attempts to further delay these proceedings.

Respectfully submitted,

/s/ Thomas O. Sinclair

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**ATTORNEYS FOR PLAINTIFF
ANTHONY E. GOOCH**

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on the 6th day of August, 2009 a copy of the foregoing was filed electronically using this Court's electronic filing system. Notice of this filing is due to be served by operation of the Court's electronic filing system to the following parties indicated on the electronic filing receipt as participants in the Court's electronic filing system:

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